

## **EXHIBIT X**

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Electronically Filed: June 3, 2022

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

Case No. BK-22-11413-abl

## PARNELL COLVIN,

## Chapter 7

**Debtor(s),**

**MOTION TO DISMISS BANKRUPTCY  
CASE WITH PREJUDICE AND FOR  
INJUNCTION AGAINST FUTURE  
FILING**

**Hearing Date: July 6, 2022**

Hearing Time: 9:30 a.m.

Courtroom: 1

## **Creditor, Laborers' International Union of North America, Local 872 ("Creditor,"**

“Union,” or “Local 872”), by and through its counsel of record, Weinberg, Roger & Rosenfeld moves for entry of an order dismissing the above-captioned bankruptcy case with prejudice.

Further, Local 872 requests entry of an injunctive order prohibiting the Debtor from filing another bankruptcy case in any jurisdiction for a period of not less than three years. Finally, Local 872 requests the Court to retain jurisdiction notwithstanding automatic dismissal by operation of 11 U.S.C. § 521(i).

This Motion is supported by the below Memorandum of Points and Authorities; the Declaration of Sean W. McDonald in support thereof, filed contemporaneously herewith; all papers and pleadings filed in the above-captioned case, judicial notice of which is requested pursuant to Federal Rule of Evidence 201; Debtor's prior bankruptcy filings, judicial notice of

1 which is requested pursuant to Federal Rule of Evidence 201; and arguments of counsel heard in  
2 support of the Motion during any hearing held on the Motion.<sup>1</sup>

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. INTRODUCTION**

5 Parnell Colvin (“Debtor”) filed the above-captioned bankruptcy case (“Bankruptcy Case”)  
6 as a voluntary chapter 7 petition on April 22, 2022. This is Debtor’s *tenth* bankruptcy petition  
7 since 2013, with bankruptcies having been filed in two judicial districts, the District of Oregon  
8 and the District of Nevada. None of Debtor’s nine prior bankruptcies was successfully completed;  
9 all were dismissed for some sort of failure on the Debtor’s part to comply with his statutory duties  
10 as a debtor under the Code (e.g., failure to attend meetings of creditors, failure to obtain required  
11 credit counseling, failure to timely file required documents, etc.). Given this long and blatant  
12 abuse of the bankruptcy process, evidently designed to cause delay of lawful creditor actions  
13 outside of the bankruptcy forum, this Court should not permit Debtor to be in a position to file an  
14 *eleventh* abusive, bad-faith petition, wasting the resources of creditors, the chapter 7 panel  
15 trustees, the U.S. Trustee’s Office, and of this Court.

16 If the Bankruptcy Case is merely dismissed, the Debtor will simply file for bankruptcy  
17 again, to the detriment of his creditors. For the Union, this will mean incurring even more legal  
18 fees and costs. Therefore, dismissal of the Bankruptcy Case should be with prejudice and the  
19 Debtor should be barred from filing another bankruptcy case in any jurisdiction for a period of  
20 three years. Only this will prevent the Debtor from continuing to abuse the Bankruptcy Code and  
21 inflicting further harm on the Union, other creditors, and others in the bankruptcy system.

22 **II. JURISDICTION**

23 The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue  
24 in the District of Nevada is proper pursuant to 28 U.S.C. § 1409.

25 <sup>1</sup> All references to “ECF No.” are to the numbers assigned to the documents filed in the case as  
26 they appear on the docket and refer to the instant bankruptcy case, unless otherwise specifically  
27 cited. All references to “Section” are to the provisions of the Bankruptcy Code, 11 U.S.C. §§  
28 101–1532. All references to “FRBP” are to the Federal Rules of Bankruptcy Procedure. All  
references to “LR” are to the Local Rules of Bankruptcy Practice for the United States District  
Court for the District of Nevada. All references to “FRE” are to the Federal Rules of Evidence.

1           This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). If it is  
2 determined that the Court cannot enter final orders or judgment in this core proceeding consistent  
3 with Article III of the United States Constitution, the Union consents to the entry of final orders  
4 or judgment by this Court.

5           The relief requested herein is premised on Sections 105(a), 349, and 707 and FRBP 1017  
6 and 9014.

7           **III. STATEMENT OF FACTS**

8           **A. PRIOR BANKRUPTCY CASES**

9           Debtor Parnell Colvin has used bankruptcy to frustrate and delay the Union's and other  
10 creditors' legitimate collection efforts. Debtor Colvin has filed for bankruptcy nine times before  
11 filing the instant Bankruptcy Case:

- 12           1. Case No. 13-33280, District of Oregon, chapter 7 bankruptcy case filed May  
13           23, 2013, dismissed August 30, 2013, for failure to timely obtain required  
14           credit counseling;
- 15           2. Case No. 15-12810-led, District of Nevada, chapter 7 bankruptcy case filed  
16           May 15, 2015, dismissed July 6, 2015, for failure to timely file required  
17           documents;
- 18           3. Case No. 15-16662-mkn, District of Nevada, chapter 7 bankruptcy case filed  
19           November 30, 2015, dismissed March 7, 2016, for failure to supply tax return  
20           to appointed Trustee and to attend the meeting of creditors;
- 21           4. Case No. 17-10614-mkn, District of Nevada, chapter 7 bankruptcy case filed  
22           February 13, 2017, dismissed October 31, 2017, for failure to attend the  
23           meeting of creditors;
- 24           5. Case No. 19-13142-mnk, District of Nevada, chapter 7 bankruptcy case filed  
25           May 17, 2019, dismissed July 8, 2019 for failure to timely file required  
26           documents;
- 27           6. Case No. 19-14597-mkn, District of Nevada, chapter 7 bankruptcy case filed  
28           July 18, 2019, dismissed September 12, 2019, for failure to timely file  
29           required documents;
- 30           7. Case No. 19-16459-mkn, District of Nevada, chapter 7 bankruptcy case filed  
31           October 4, 2019, dismissed January 8, 2020, for failure to obtain required  
32           credit counseling;
- 33           8. Case No. 21-12012-abl, District of Nevada, chapter 7 bankruptcy case filed  
34           April 21, 2021, dismissed July 8, 2021, for failure to obtain required credit  
35           counseling; and
- 36           9. Case No. 21-14974-mkn, District of Nevada, chapter 7 bankruptcy case filed  
37           October 18,<sup>2</sup> 2021, dismissed December 7, 2021, for failure required credit  
38           counseling.

26           2 In perhaps an attempt to disguise his prior filings from the Court and others, in some cases the  
27           Debtor has used slight variations in his name, such as Parnell Colvin III or Parnell SR Colvin, but  
28           other indicia in the petitions make clear these were all filed by the same person, such as by  
29           including the same Social Security number, addresses known to be associated with the Debtor,  
30           and other information.

1 The Union requests the Court to take judicial notice of the existence of these prior bankruptcy  
2 cases and the filings made therein, pursuant to FRE 201. *See U.S. v. Wilson*, 631 F.2d 118, 119  
3 (9th Cir. 1980) (court may take judicial notice of records from other case); *see also Bank of Am.,*  
4 *N.A. v. CD-04, Inc. (In re Owner Mgmt. Serv., LLC Trustee Corps.)*, 530 B.R. 711, 717 (Bankr.  
5 C.D. Cal. 2015) (“The Court may consider the records in this case, the underlying bankruptcy  
6 case and public records.”).

7 Debtor Colvin has used bankruptcy to frustrate and delay the Union’s and other creditors’  
8 legitimate collection efforts.

9 **B. THE INSTANT BANKRUPTCY CASE**

10 The Debtor filed the instant Bankruptcy Case at 3:36 p.m. on April 22, 2022, by filing a  
11 skeletal bankruptcy petition. ECF No. 1 (voluntary petition); ECF No. 6 (notice of deficient  
12 filings). The Bankruptcy Case was filed, in part, to prevent the Union from proceeding forward  
13 with a breach of contract action pending in the Las Vegas Township Justice Court. *See* McDonald  
14 Decl. ¶¶ 4–8. The Debtor might also be using the Bankruptcy Case to stave off landlord-tenant  
15 actions against him. *See id.* at ¶ 9 & Ex. 1.

16 **C. HARM TO THE UNION**

17 The Union has been forced to incur significant legal expenses as a result of the Debtor’s  
18 bad faith bankruptcy filings. As of the date of the filing of this Motion, the Union has incurred  
19 \$18,042.08 in fees attributable to Debtor’s bankruptcy cases. McDonald Decl. ¶ 3. State-court  
20 litigation has been delayed. Put frankly, after nine bankruptcy cases, all of which have been  
21 dismissed, enough is enough. The Debtor has successfully utilized the Bankruptcy Case in bad  
22 faith to frustrate and harass his creditors and to prevent legitimate collection efforts, just as he has  
23 done to other creditors through his *nine* previous bankruptcy cases. The last thing that he should  
24 be allowed to do is file another bankruptcy case, allowing the cycle to start all over again. His  
25 tenth bad faith petition should be his last.

26 ///

27

28 ///

#### IV. ARGUMENT

**A. CAUSE FOR DISMISSAL IS PRESENT**

The Union requests dismissal of the Bankruptcy Case for cause, pursuant to Section 707(a), which provides:

The court may dismiss a case under this chapter only after notice and a hearing and only for cause, including—

(1) unreasonable delay by the debtor that is prejudicial to creditors;

(2) nonpayment of any fees or charges required under chapter 123 of title 28; and

(3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case, the information required by paragraph (1) of section 521(a), but only on a motion by the United States trustee.

11 U.S.C. § 707(a). The factors enumerated in Section 707(a) are illustrative, not exhaustive. See *Neary v. Padilla (In re Padilla)*, 222 F.3d 1184, 1191 (9th Cir. 2000), partially superseded by statute on other grounds, 11 U.S.C. § 707(b)(3)(A). To determine whether actions are sufficient cause for dismissal under Section 707(a), the Court is to first “consider whether the circumstances asserted to constitute ‘cause’ are ‘contemplated by any specific Code provision applicable to Chapter 7 petitions.’ If the asserted ‘cause’ is contemplated by a specific Code provision, then it does not constitute ‘cause’ under § 707(a).” *Sherman v. SEC (In re Sherman)*, 491 F.3d 948, 970 (9th Cir. 2007) (quoting *Padilla*, 222 F.3d at 1193–94). Second, if the asserted cause is not contemplated by a specific provision of the Bankruptcy Code, the Court next considers whether the circumstances otherwise provide cause. *Id.*

Here, the Debtor has failed to timely file all required documents with his petition. See ECF No. 6 (noting filing deficiencies); ECF No. 1 (skeletal petition); *see also* Docket (noting that, as of June 2, 2022, Debtor has not corrected filing deficiencies). These failures provide cause for dismissal under the *Padilla* factors, as the Debtor's failure to comply with the requirements are not excused by any specific section of the Bankruptcy Code. Further, many of these actions

1 and inactions reflect a specific failure to comply with the Bankruptcy Code and to satisfy his  
2 duties as a Debtor. As a result, cause for dismissal is present under the *Padilla* factors.<sup>3</sup>

3 Given the history of this case, and the Debtor's history in bankruptcy generally, these  
4 failures also represent an unreasonable delay by the Debtor that is prejudicial to creditors, under  
5 Section 707(a)(1). Finally, while a debtor's bad faith is not typically a factor for finding cause for  
6 dismissal under Section 707(a), here the Debtor's repeated and continuing use of the bankruptcy  
7 system for improper purposes shows just how prejudicial the Debtor's delay actually is to his  
8 creditors. As a result, cause is present for dismissal of the Bankruptcy Case.

9 **B. DISMISSAL WITH PREJUDICE IS WARRANTED**

10 As cause for dismissal is present, the Court next "must decide what remedial action—  
11 what form of dismissal—should be taken." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re*  
12 *Ellsworth*)

13 455 B.R. 904, 922 (B.A.P. 9th Cir. 2011) (citations omitted). Pursuant to Section 349,  
14 the dismissal of a bankruptcy case is normally without prejudice to a bankruptcy debtor's ability  
15 to file a new bankruptcy case and achieve a discharge of the liabilities that were or could have  
16 been scheduled in the dismissed bankruptcy case. However, if a bankruptcy case is dismissed  
17 with prejudice, then the liabilities that were or that could have been scheduled in the dismissed  
18 case cannot be discharged in a subsequent bankruptcy case. *See* 3 Collier on Bankruptcy ¶ 349.02  
(Alan N. Resnick & Henry J. Sommer eds., 16th ed. 2017).

19 A debtor's bad faith provides cause for dismissal with prejudice under Section 349(a).  
20 *Leavitt v. Soto (In re Leavitt)*, 171 F.3d 1219, 1224 (9th Cir. 1999).<sup>4</sup> In determining whether bad  
21 faith sufficient to dismiss a bankruptcy case with prejudice is present, a court is to consider the  
22 totality of the circumstances, including the following factors: (i) whether the debtor

23 <sup>3</sup> Courts considering this issue have similarly concluded that failure to satisfy requirements of the  
24 Bankruptcy Code or the duties of a debtor provide cause pursuant to Section 707(a). *See, e.g., In*  
25 *re Dunn*, 2010 Bankr. LEXIS 3070, \*16–17 (B.A.P. 9th Cir. Feb 4, 2010) (finding that failure to  
26 appear at Section 341 Meeting of Creditors establishes cause for dismissal); *In re Alvarado*, 496  
27 B.R. 200, 208 (N.D. Cal. 2013) (finding that failure to obtain credit counseling within 180 days of  
28 filing the petition, establishes cause for dismissal).

29 <sup>4</sup> While the *Leavitt* case dealt with dismissal of a chapter 13 bankruptcy case, the factors set forth  
30 therein are applicable in the context of dismissal with prejudice of a chapter 7 case. *See, e.g.,*  
31 *Johnson v. Vetter (In re Johnson)*, 2014 Bankr. LEXIS 2726, at \*19 (B.A.P. 9th Cir. June 6,  
32 2014) (citing *Leavitt* in appeal from a chapter 7 case and upholding two-year bar to refiling).

1 misrepresented facts in his petition or plan, unfairly manipulated the Bankruptcy Code, or  
2 otherwise filed his bankruptcy case in an inequitable manner; (ii) the debtor's history of filings  
3 and dismissals; (iii) whether the debtor only intended to defeat state court litigation; and (iv)  
4 whether egregious behavior is present. *Id.* Once good faith has been placed in issue, it is a  
5 debtor's burden to demonstrate that the bankruptcy case was filed in good faith. *Leavitt v. Soto (In*  
6 *re Leavitt)*, 209 B.R. 935, 940 (B.A.P. 9th Cir. 1997) (citing *In re Powers*, 135 B.R. 980, 997  
7 (Bankr. S.D. Cal. 1991)). Here, the Debtor's bad faith is evident, simply in reference to his prior  
8 *nine* petitions, all of which have been dismissed for the Debtor failing to perform his duties under  
9 the Code.

10 **1. Debtor's Unfair Manipulation of the Bankruptcy Code and**  
11 **Inequitable Conduct**

12 The Debtor has unfairly manipulated the Bankruptcy Code. He has utilized the provisions  
13 of chapter 7 to first prevent the Union's legitimate collection efforts, an action he took in bad  
14 faith. Further, the Bankruptcy Case was filed in an inequitable manner. It was filed as a skeleton  
15 bankruptcy petition, just as most (if not all) of his other petitions. Collectively, Debtor's current  
16 Bankruptcy Case and prior cases appear designed to improperly thwart legitimate and lawful  
17 creditor activities. *See* McDonald Decl. ¶¶ 4–9. The Debtor's manipulation of the Bankruptcy  
18 Code and inequitable conduct support dismissal of the Bankruptcy Case with prejudice.

19 **2. Debtor's History of Bankruptcy Filings**

20 The Debtor's history of filings and dismissals clearly support dismissal with prejudice as  
21 to the Debtor. Debtor's history in bankruptcy supports the proposition that he has frustrated the  
22 legitimate purposes of the Bankruptcy Code and that he has gotten away with this wrongful  
23 conduct for many years, now on his tenth bankruptcy petition with no reasonable prospect that  
24 this petition will be the one that will be seen through to the end. The Debtor has a proclivity for  
25 filing bankruptcy cases and is almost certain to file another bad faith bankruptcy case in the very  
26 near future. As such, dismissal with prejudice is appropriate, not only to prevent this abuse as to  
27 the Debtor but also to deter this kind of misconduct as to others similarly situated.

28

### **3. The Debtor Intended to Defeat State Court Litigation**

2 The Debtor filed bankruptcy in an effort to defeat and delay his creditors' state-law  
3 collection efforts, some of which included litigation. As to the Union specifically, the Bankruptcy  
4 Case and the immediately two preceding bankruptcy cases were filed to delay the Union's  
5 activities. The bankruptcy filed on April 21, 2021, was designed to thwart service of the summons  
6 and complaint of the State Court Lawsuit, the bankruptcy filed on October 18, 2021, was  
7 designed to thwart a motions hearing in the State Court Lawsuit, and the instant Bankruptcy Case  
8 is apparently designed to further improperly delay the State Court Lawsuit. *See* McDonald Decl.  
9 ¶¶ 4–8. This case and recent bankruptcy cases also appear to be motivated by a desire to stave off  
10 landlord-tenant actions pending against the Debtor. *See id.* ¶ 9 & Ex. 1 thereto (state court docket  
11 search as to Debtor and including selected dockets). Because the Debtor filed the Bankruptcy  
12 Case to defeat state court litigation, dismissal with prejudice is appropriate.

#### **4. Egregious Behavior Is Present**

14 The Debtor's actions in filing a bad faith bankruptcy case demonstrate egregious behavior.  
15 The Debtor has successfully caused months of delay as a consequence of the automatic stay  
16 taking effect where it was applicable. However, what is perhaps most egregious about the  
17 Debtor's behavior in the Bankruptcy Case is that the Debtor has at every turn compounded  
18 litigation, purposefully driving up his creditors' legal bills. The Debtor has repeatedly filed  
19 bankruptcy cases and failed to comply with his obligations under the Code to timely file complete  
20 documents and to perform his other duties as a debtor. As discussed above, the Debtor has been  
21 part of numerous bankruptcy cases and cannot claim a lack of legal knowledge or experience  
22 excuses his conduct. He has had ample opportunity to become familiar with the bankruptcy  
23 process. Surely after nine prior failed bankruptcies he would have learned something about what  
24 is required of him under the Code as a debtor. Instead, it appears he has become familiar enough  
25 with filing successive bankruptcy petitions to abusively take advantage of the automatic stay's  
26 protections, where applicable, and to otherwise cause delay in state court where those courts are  
27 less familiar with the nuances of the automatic stay and rightfully exercise abundant caution when

1 there is the specter of a potential stay violation hanging over them. There is truly no excuse for  
2 the Debtor's behavior. Dismissal with prejudice is appropriate.<sup>5</sup>

3 The Debtor has voluntarily filed successive bad faith bankruptcy cases and has simply  
4 refused to comply with the requirements of the Bankruptcy Code. Bad faith necessitating  
5 dismissal with prejudice is present, and the Union requests that any dismissal of the Bankruptcy  
6 Case be with prejudice as to all liabilities that have been or that could have been scheduled in the  
7 Bankruptcy Case.

8 **C. AN INJUNCTION AGAINST FUTURE FILINGS IS ALSO APPROPRIATE**

9 As discussed above, bad faith sufficient to warrant dismissal with prejudice is here  
10 present. As a result, there is sufficient cause under Sections 105(a) and 349(a) to also bar the  
11 Debtor from filing a subsequent bankruptcy case in any jurisdiction for a period of not less than  
12 three years. *See In re Mitchell*, 357 B.R. 142, 157 (Bankr. C.D. Cal. 2006) ("As its plain language  
13 suggests, § 349 gives a court authority to 'sanction a debtor for cause by imposing a bar against  
14 re-filing.'") (quoting *In re Grischkan*, 320 B.R. 654, 661 (Bankr. D. Ohio 2005)); *see also*  
15 *Johnson*, 2014 Bankr. LEXIS 2726, at \*20 (citing *Mitchell*).

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17 <sup>5</sup> As further evidence of his egregious behavior, the Debtor has engaged in conduct that would be  
18 sufficient to deny the Debtor a discharge under Section 727. Specifically, the Debtor has  
19 knowingly and fraudulently "made a false oath or account." 11 U.S.C. § 727(a)(4)(A). As but a  
20 few examples, in the instant Bankruptcy Case, Debtor has falsely stated under penalty of perjury  
21 that he has never filed for bankruptcy within the past 8 years, *see* ECF No. 1, at p. 1 ln. 9, and that  
22 he has never used any other name, *id.* at p. 1, ln. 2. In the immediately prior bankruptcy case, in  
23 Case No. 21-14974-mkn, Debtor stated that he has been a party only in one lawsuit, court action,  
24 or administrative proceeding, SOFA at ln. 9, ECF No. 12 at 33 (disclosing only one court case,  
25 pending in federal district court); the Union has identified at least five undisclosed cases in state  
26 court alone, *see* McDonald Decl. ¶ 9 & Ex. 1.

27 Omissions or false statements in a debtor's schedules may constitute a false oath under the  
28 statute. "[A] false statement or an omission in a debtor's statement of financial affairs or  
schedules can constitute a false oath." *See, e.g., Retz v. Samson (In re Retz)*, 606 F.3d 1189, 1196  
(9th Cir. 2010) (quoting *Khalil v. Developers Sur. & Indem. Co. (In re Khalil)*, 379 B.R. 163, 172  
(B.A.P. 9th Cir. 2007), *aff'd*, 578 F.3d 1167, 1168 (9th Cir. 2009)); *Kendall v. Turner, et al. (In  
re Turner)*, 335 B.R. 140, 148 (Bankr. N.D. Cal. 2005) (omitting the debtor's residence from  
schedules). Because the false oath must be made knowingly and fraudulently, proof of the  
debtor's actual fraudulent intent is required. *See Fogal Legware of Switz., Inc. v. Wills (In re  
Wills)*, 243 B.R. 58, 64 (9th Cir. BAP 1999). A finding of fraudulent intent, of course, can be  
based on circumstantial evidence, *see id.*, and reckless disregard for the truth and accuracy of the  
debtor's schedules and statements, along with other evidence, may support such a finding. *See  
Khalil*, 379 B.R. 163 at 177.

1       Here, the Debtor has filed ten bankruptcy cases in two jurisdictions since 2013. This  
2 pattern is enough to lead to a reasonable inference that an eleventh bad faith petition will come  
3 absent a bar to filing a new case. The Debtor must face consequences to deter and prevent further  
4 bad faith and abusive conduct. This is also a grave concern of the Union, especially given that the  
5 Union has spent fees protecting its rights in the various bankruptcy cases filed by the Debtor and  
6 pursing its lawful remedies in state court litigation. The Union deserves certainty that the bleeding  
7 will finally stop. It deserves to know that it will not be dragged into another bankruptcy case all  
8 while it expends otherwise unwarranted legal fees. The only way to afford the Union the certainty  
9 that it so desperately requires is to bar the Debtor from filing a subsequent bankruptcy case in any  
10 jurisdiction for a period of not less than three years.

11                   **D. THE COURT SHOULD RETAIN JURISDICTION NOTWITHSTANDING 11  
12 U.S.C. § 521(i).**

13       Because the Debtor has not filed (and likely will not file by the 45th day) all of the  
14 information required under Section 521(a)(1), the instant petition is subject to automatic dismissal  
15 under 11 U.S.C. § 521(i). Given the abuse of the bankruptcy process detained above in this  
16 Motion, the Court should retain jurisdiction notwithstanding the operation of Section 521(i) so as  
17 to adjudicate this motion on proper notice and hearing, despite the passing of the 45-day period.

18                   **V. CONCLUSION**

19       The Debtor filed his Bankruptcy Case in bad faith and has used the Bankruptcy Code to  
20 delay his creditors' legitimate collection efforts and to harass and frustrate them. The Union has  
21 incurred legal fees because of this and, regardless of the outcome of this Motion, it will continue  
22 forward with its state court action as permitted by law. It is almost certain that the Debtor has  
23 caused his creditors to expend, in the aggregate, thousands of dollars in legal fees and costs just to  
24 deal with the delay caused by his bad faith, abusive bankruptcy filings. The Union and all  
25 creditors require some certainty that the Debtor will not simply begin another chapter of this sad  
26 saga with yet another bad faith petition, and only dismissal with prejudice and a bar on future  
27 filings can provide this desperately needed relief. The Debtor has filed ten bankruptcy cases in  
28 bad faith since 2013. There should not be an eleventh.

1 For all of the above reasons, the Union respectfully requests the Court enter an order: (i)  
2 granting the Motion; (ii) dismissing the Bankruptcy Case with prejudice as to all liabilities that  
3 have been or that could have been scheduled in the Bankruptcy Case; (iii) prohibiting the Debtor  
4 from filing another case under the Bankruptcy Code in any jurisdiction for a period of not less  
5 than three years from entry of an order granting the Motion; and (iv) granting the Union such  
6 additional relief as the Court deems appropriate under the circumstances.

7 Dated: June 3, 2022

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

8 By: /s/ Sean W. McDonald  
9 KRISTINA L. HILLMAN, Bar No. 7752  
10 SEAN W. McDONALD, Bar No. 12817

11 Attorneys for Creditor Laborers' International  
12 Union of North America, Local 872

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